



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: J. H. Labuschagne

GROUP: 3637

SERIAL NO.: 09/819,194

EXAMINER: Phi Dieu N Tran A

FILED: March 28, 2001

DOCKET NO.: TIMK 7938US

FOR: PORTABLE FACILITY AND PROCESS FOR RECONDITIONING  
ANTI FRICTION BEARINGS

Commissioner for Patents  
Washington, D.C. 20231

DECLARATION UNDER 35 CFR 1.132

Samuel R. Williams declares as follows:

1. I reside in Dublin, Ohio, which is a suburb of Columbus, Ohio, where The Timken Company for many years operated a facility at which it designed and manufactured tapered roller bearings for use on rail cars and locomotives. In 2002 I retired from Timken after having worked 45 years for the company.

2. I hold a bachelor of science degree in mechanical engineering (B.M.E.) from Georgia Institute of Technology (Georgia Tech) in Atlanta, Georgia, and a master of science degree in mechanical engineering (M.S.M.E.) from Case Western Reserve University in Cleveland, Ohio.

3. From 1981 until my retirement in 2002 I worked for Timken as its Chief Engineer--Railroad Bearings. In that capacity I supervised other engineers and draftsmen in connection with the design of railroad bearings and applications

for them. I also provided technical support to sales and service employees of Timken and likewise to the customers of Timken, all in the field of railroad bearings.

4. I have reviewed the U.S. patent application 09/819,194 for the invention of Jan Labuschagne entitled "Portable Facility and Process for Reconditioning Antifriction Bearings". I have also studied the Patent Office action of October 22, 2002 in that application. I understand that the Patent Office examiner contends that there are no differences between the portable facility described in the claims of the patent application and the Mobile Band Instrument Repair Shop disclosed in U.S. patent 4,643,476 (Montgerard) which I have also reviewed. I disagree, but this seems to be a matter of semantics which I leave to others to resolve.

5. I do, however, offer some comments on the issue of obviousness – that is to say, whether or not the portable facility for reconditioning bearings as set forth in the claims of U.S. patent application 09/819,194 is obvious from a consideration of the Montgerard patent. In my opinion, it is not.

6. The patent application pertains to the reconditioning of antifriction bearings, and I note that claim 1 does indeed refer to a portable facility for reconditioning an antifriction bearing, while claim 8 refers to a portable facility for reconditioning a tapered roller bearing. An antifriction bearing in its broadest sense, to me, means a bearing having races and rolling elements between its races, so that one race can rotated relative to the other race with minimal friction. A tapered roller bearing represents one type of antifriction bearing – one in which

the rolling elements are tapered rollers. To my knowledge brass and woodwind musical instruments – the type of instruments which the repair shop of the Montgerard patent is designed to repair – do not contain antifriction bearings.

7. In my opinion, one seeking to design a portable facility for reconditioning antifriction bearings, much less tapered roller bearings, would not turn to a mobile band instrument repair shop for inspiration. Antifriction bearings and band instruments are unrelated technologies. I do not see band instruments or repair facilities for them in the field of endeavor for one seeking to develop a repair facility for antifriction bearings. The equipment to which the repair facilities pertain and that which they repair are too divergent. For the same reasons I do not believe that a repair facility for repairing band instruments would logically commend itself to the attention of one considering the repair of antifriction bearings.

8. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Samuel R. Williams

Dublin, Ohio

January 2, 2003